

Application Ser. No.: 10/729,313  
Filing Date: December 5, 2003  
Examiner: Morris, Patricia L.

### Remarks

In the Office Action, the Examiner noted that claims 12, 15, 17 and 18 are pending in the application; claims 17 and 18 are allowed; and that claims 12 and 15 are rejected. By this amendment, claims 12 and 15 have been amended. Thus, claims 12, 15, 17 and 18 are pending in the application. No new subject matter has been inserted through these amendments. All of the amendments are fully supported by the specification and are discussed in detail below. The Examiner's rejections are respectfully traversed below.

### ***Rejection Under 35 U.S.C. § 112, Second Paragraph***

Claims 12 and 15 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Examiner has reiterated her rejection as to claims 12 and 15 in that she has maintained her position on the usage of the term "containing" to be open-ended as it allows for the inclusion of other active ingredients.

As noted above, without acquiescing Applicants rights on this issue and in order to solely expedite the prosecution of this case, Applicants have now amended claims 12 and 15 by replacing the objected term "containing" to more acceptable term "comprising," as especially suggested by the Examiner. However, Applicants respectfully submit that the terms "containing" and "comprising" are believed to be synonymous and should provide the same protection that Applicants originally intended. In view of the foregoing, it is submitted that claims 12 and 15 fully satisfy the requirements of 35 U.S.C. § 112, second paragraph. Thus, withdrawal of this rejection as to claims 12 and 15 is respectfully requested.

Application Ser. No.: 10/729,313  
Filing Date: December 5, 2003  
Examiner: Morris, Patricia L.

***Allowable Subject Matter***

Applicants note with much appreciation allowance of claims 17 and 18. However as argued above, claims 12 and 15 are now believed to be in condition for allowance and early issuance of such an action as to claims 12, 15, 17 and 18 is solicited.

***Conclusions***

In view of the above Remarks, it is respectfully submitted that claims 12, 15, 17 and 18 are now in condition for allowance and the early issuance of this case is respectfully requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this Rule 111 Amendment. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc. Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

April 15, 2005

Balaram Gupta

Balaram Gupta, Ph. D., J. D.

Registration No. 40,009  
Attorney for Applicants

Aventis Pharmaceuticals Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
MAIL CODE: BWD-303A  
Bridgewater, NJ 08807-0800  
Telephone: 908-231-3364  
Telefax: 908-231-2626